



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : David J. Luneau et al.                      Art Unit : 2614  
Serial No. : 10/651,063                                      Examiner : William J. Deane, Jr.  
Filed : August 28, 2003  
Title : SYSTEM AND METHOD FOR ACQUIRING INFORMATION RELATING TO  
GEOGRAPHIC LOCATION

Commissioner for Patents  
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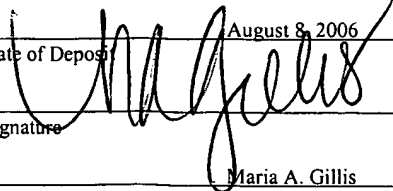
REPLY TO ACTION DATED 17 MAY 2006

The present invention concerns an approach to facilitate and simplify the programming of equipment that provides weather-related information. Equipment such as a NOAA Weather Radio (NWR) can be programmed with a Specific Area Message Encoding (SAME) code. The SAME code correlates to the specific geographic location of the NWR. The National Weather Service maintains a listing of SAME codes at <http://www.nws.noaa.gov/nwr/indexnw.htm>. For example, the SAME code for Boston, Massachusetts (Suffolk County) is 025025. So, someone living in Boston who wanted to program their NWR could go to this website, find the SAME code, and enter "025025" into the NWR.

The present invention simplifies this process. To illustrate with an embodiment: A NWR configured in accordance with the present invention could simply be plugged into the phone line, for example, the line for "617-555-1212." The NWR itself could then place the call to an information server. The information server would receive standard caller-identification information identifying the NWR as calling from "617-555-1212." The information server can then use the area code information (617) to determine that the call is originating from the Boston area. From that, the information server would look up the appropriate SAME code (025025), which it would send back to the NWR. The SAME code is then programmed into the NWR

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either manually or, preferably, automatically to avoid user error. If the NWR owner then relocated to another area, the NWR could be easily reprogrammed in the same manner. In short, the present invention uses information from the telephone call itself to return targeted geographical data for programming the NWR.

All of pending claims 1-29 stand rejected as obvious over Chan, U.S. Patent Application No. 2004/0235416 in view of Hoffman United States Patent No. 5,390,237.

There are three pending independent claims, claims 1, 16, and 24.

In independent claims 1 and 16, equipment for providing weather-related information places a telephone call to an information server. The information server receives information about the origin of the call (typically, the telephone number), and uses that information to generate data representative of geographical information. That data is returned to the equipment, where it is used to program the equipment. Likewise, in independent claim 24 data representative of geographical information is returned to, and used to program, apparatus for providing geographically based weather-related information.

Applicants submit that neither Chan nor Hoffman discloses or suggest several features of Applicants' claims. Most notably, neither reference discloses the use of information about the origin of the call to generate data representative of geographical information that is then used to program a weather radio.

In Chan, the complete database of SAME codes is maintained on the radio, so there is no need for the user to consult a paper manual or a website such as <http://www.nws.noaa.gov/nwr/indexnw.htm>. The database is local to the radio itself. As to Paragraph 0015, cited by the Examiner, that paragraph discloses a way to download updates for the local database to the radio from a "content server." Although Chan does not go into much detail about either this updating process or the content server, all that this updating process apparently does is to add new geographical locations and their associated SAME codes to the database on the radio.

With regard to this downloading/updating feature of Chan, the Examiner notes that "there is no specific recitation of a telephone call; however note the use of the Internet. Since the Internet connection is usually done by way of dial-up, the claimed limitation is satisfied by inherency." (Action, at 2.) Applicants respectfully submit that the relevant consideration is not

whether the Internet connection is established by telephone, broadband, or other means. Rather, what the claims generally recite is an information server that (1) uses information about the origin of the call (typically, caller-ID information), to (2) generate data representative of geographical information (typically, a SAME code), and (3) which data is returned to the equipment to program the equipment (typically, a NWR). There is nothing in Chan that discloses using information about where the radio is to deliver data back to the radio that represents *the geographical location of the call*.

To the contrary, the update information downloaded to the radio in Chan is apparently *identical* regardless of the location of the radio. Thus, if Chan's radio were in Boston, New York, or Washington D.C., the database updates delivered to the radio would be the same in each location. There is nothing returned from the content server that in any way is disclosed as representing the geographical location of the call. Once the database in the radio is updated with the downloads, the user would then have to consult the updated database to choose the appropriate SAME code.

This feature is also missing from Hoffman. The Examiner cites to 7:9-35 of Hoffman. In that passage, a caller manually types in the area code for a desired area, and then can listen to weather stations in that area. This information need not at all correspond to the origin of the telephone call. For example, a caller from Boston (617 area code) might be interested in the weather in New York (212 area code), and so could type in "212" to obtain New York-area forecasts. The caller also does not receive data representative of geographical information back from the service. In other words, the service described in this passage of Hoffman takes area code information (which as noted need not be the caller's area code) and uses that to identify weather stations in the geographical area covering that area code. It does not then "send[] data representative of geographical information to the [calling] equipment in conjunction with the telephone call," as recited in claims 1 and 16, or have a data receiver circuit at the equipment for receiving such data, as in claim 24. Hoffman also does not disclose using such data to program equipment at the calling location, as recited in all of the claims.

Thus, since neither Chan nor Hoffman discloses these features of the claims, Applicants respectfully submit that the Examiner has not demonstrated a *prima facie* case of unpatentability.

Moreover, Applicants further dispute that there would be any motivation whatsoever to combine Chan and Hoffman as the Examiner suggests. The two references use very different approaches to providing weather-related information. Chan uses radio-based signals. The use of the telephone as a means to download database updates is at best incidental to the operation of Chan. Once updates have been downloaded, there is no longer any need for the Internet connection. The downloads are consulted for the appropriate SAME code, and used to program the device to access local radio weather stations. By contrast, Hoffman delivers weather information directly to the user over the phone. The user can get weather information from anywhere he chooses; he is not limited to local radio-based weather information.

The Examiner maintains that "it would have been obvious to one of ordinary skill in the art to have incorporated such a step of using a telephone call to contact the server as taught in Hoffman Jr. et al. into the Chan et al. device and method as such would only entail the substitution of one well-known contact means for another." Applicants disagree. The cited passage of Hoffman makes absolutely no provision for downloading SAME codes or any other information that could be used to program a weather radio. Altering Chan as the Examiner suggests would therefore defeat the whole purpose of Chan's Paragraph 0015, namely, to update the radio's on-board database of all geographical SAME codes in order to allow the user to manually program the radio's location by selecting the location from a list of many locations. Applicants respectfully submit that there is no motivation in either Chan or Hoffman for such a modification, and that the suggested combination is the product of impermissible hindsight.

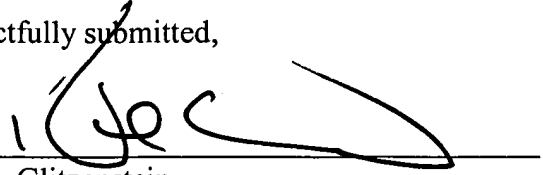
Applicants therefore submit that all claims remain in condition for allowance, which action is requested.

Applicant : David J. Luneau et al.  
Serial No. : 10/038,866  
Filed : January 4, 2002  
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Attorney's Docket No.: 10200-016001

Please apply any charges, or make any credits, to deposit account 06-1050, reference  
10200-016001.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'K. Glitzenstein', is written over a horizontal line.

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Date: August 8, 2006

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